

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
J. FREDERICK MOTZ  
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
(410) 962-0782  
(410) 962-2698 FAX

February 28, 2006

Memo To Counsel Re: MDL-15863, Allianz Subtrack;  
*Pingitore v. Allianz Dresdner Asset Mgmt. of America, L.P., et al.*  
Civil No. JFM-04-1933

Dear Counsel:

The purpose of this letter is to address the concerns raised by defendant Pentagon Asset Management ("Pentagon") with respect to plaintiffs' proposed order implementing my rulings on the motions to dismiss. I believe that the prudent course is to defer ruling upon Pentagon's request that all claims against it be dismissed without prejudice to plaintiffs filing suit in state court. I ask that the parties please submit to the court a status report within 15 days after the Supreme Court issues its decision in *Dabit*. If at that time Pentagon still wishes to pursue its request, please include with the report a proposed briefing schedule.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order. I ask that the parties please submit in the next two days, in both Track 3 and the individual case (04-1933), a revised proposed order reflecting this ruling.

Very truly yours,

/s/

J. Frederick Motz  
United States District Judge